

5.a

MINUTES TO BE APPROVED

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, November 19, 2013

5:30 p.m.

Community Room

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth and Justin Stoker.

STAFF: Richard L. Davis, City Manager; Bryce Haderlie, Assistance City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Wendell Rigby, Public Works Director; Doug Diamond, Police Chief; Stuart Williams, Deputy City Attorney; Brock Hudson, Code Enforcement Manager; Tim Peters, Public Service Manager; Richard Ramirez, Street Supervisor, and Kyle Bird, Parks Supervisor.

I. CALLED TO ORDER

Mayor Johnson called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

Due to the meeting being held in the Community Room, there was no Pledge given.

III. PRESENTATION

RECOGNITION OF EMPLOYEES WHO HAVE REACHED 10, 20, AND 30+ YEARS OF SERVICE WITH THE CITY

The Mayor and Council recognized the 'Gold' Service employees:

Betty G. Naylor – Utility Billing – 33 years

Paul Price – Fire Department – 32 years

Robert S Shober – Police Department – 32 years

Reed Scharman – Fire Department – 31 years

Dean Waters – Police Department – 31 years

Bonnie Cullimore – City Attorney – 30 years

Shelley R Thomas – City Courts – 30 years

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS

Richard Davis announced that Popeye's Chicken would be coming into the vacant Sonic Drive-In located in Jordan Landing.

STAFF COMMENTS/REPORTS

Staff members from the various departments briefly commented on the following items:

Ryan Bradshaw –

- Reminded the Council that the Water Revenue Bonds were closed today at a 2.2% interest rate.

CITY COUNCIL COMMENTS/REPORTS

Councilmember Nichols expressed his appreciation to Council and staff for the support and kind words to him and his family after the death of his mother.

Councilmember Killpack asked when the Council would receive a financial report update.

Ryan Bradshaw stated the Council should see it within the next two weeks.

Councilmember Stoker reminded those in attendance that today was the 150-year anniversary of the Gettysburg Address, by President Abraham Lincoln.

V. CITIZEN COMMENTS

There was no one who desired to speak.

VI. CONSENT ITEMS

- 6.a Approve the minutes of November 6, 2013 as presented
- 6.b Approve Resolution 13-155, authorizing the Mayor to execute a Settlement Agreements and the Right-of-Way Purchase Agreement between the City of West Jordan and the Larsen's pertaining to case number 100408859
- 6.c Approve nonfinancial support to UYSAA in the amount of \$26,230 for soccer fields use (2014 State cup and premier league play) extending the seasonal play until October 24, 2014
- 6.d Approve Resolution 13-156, recognizing Employees for their years of service with the City of West Jordan

The Council pulled Consent item 6C for further discussion.

MOTION: Councilmember Killpack moved to approve Consent Items 6.a, b, & d. The motion was seconded by Councilmember Southworth.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

VII. BUSINESS ITEMS

**CONVENE AS THE BOARD OF CANVASSERS AND APPROVE
RESOLUTION 13-157, ACCEPTING THE OFFICIAL CANVASS
RESULTS FOR THE 2013 MUNICIPAL GENERAL ELECTION**

Melanie Briggs said On November 5, 2013, the Municipal General Election was held to determine the candidates who will serve for the office of Mayor and two Council At-Large positions. All positions are 4-year terms. The results listed below were from the end of Election Day after tabulating any Vote By Mail Ballots received in the mail by Noon on Election Day, and from the two Vote Centers. At the Official Canvass, November 19, the City Council will receive the updated totals which will include any valid ballots that were dropped off at City Hall, or the two Vote Centers (approximately 1,100 ballots) and 39 Provisional Ballots that were voted on Election Day.

<u>MAYOR</u>	<u>UNOFFICIAL TOTALS</u>
Kim V. Rolfe	5,520
Ben Southworth	5,183
<u>AT-LARGE COUNCIL</u>	<u>UNOFFICIAL TOTALS</u>
Chad Nichols	6,220
Jeff Haaga	4,522
Gregory M. Simonsen	4,382
Dixie Memmott	3,189

****final totals will be updated after the Official Canvass***

The City contracted the election services for this year with Salt Lake County. The City of West Jordan also used the Vote By Mail option as outlined in Utah Code 20A-3-302 'Conducting entire election by absentee ballot.' Every registered voter in the City of West Jordan received an absentee ballot in the mail during the first week in October. At the end of Election night on November 5, the turnout was 30%!

The City Clerk's Office coordinated the final canvass, including any provisional ballots and valid Vote By Mail ballots, with the County Clerk's office. The City Council is the official Board of Canvassers of the Election and has scheduled the "Canvass of the

Election” to be held during the City Council meeting Tuesday, November 19. The “canvass” consists of reviewing the number of votes received for each candidate as provided by the Salt Lake County Clerk. The Board of Canvassers will also consider any additional votes received by the Salt Lake County Clerk up to Noon on the day of the Canvass. The additional votes will include any valid “Vote By Mail” Ballots and “Provisional Ballots” that were received on Election Day. Certified Election Result Reports were prepared indicating the total number of votes received for each Candidate. These reports must be adopted along with the resolution approving the canvass of the 2013 City of West Jordan Municipal General Election. The reports will also need to be signed by each Council member.

The final results of the 2013 Municipal Election:

<u>MAYOR</u>	<u>OFFICIAL TOTALS</u>
Kim V. Rolfe	6,212
Ben Southworth	5,997
<u>AT-LARGE COUNCIL</u>	
Chad Nichols	7,153
Jeff Haaga	5,125
Gregory M. Simonsen	5,022
Dixie Memmott	3,517

MOTION: Councilmember Southworth moved to approve Resolution 13-157, accepting the official canvass results for the 2013 Municipal General Election. The motion was seconded by Councilmember McConnehey.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

DISCUSSION AND POSSIBLE ACTION REGARDING THE REFUNDING OF THE GENERAL OBLIGATION BONDS

Ryan Bradshaw introduced John Crandall, George K. Baum, who provided a background on the possible refunding of the General Obligation Bonds

John Crandall stated that municipal interest rates continue to remain at historical lows. The current low interest rates were due to increasingly high demand of municipal securities and continued rate compression at the federal level. The following chart provides a historical perspective on the 10-Year Municipal Market Data Index. The City of West Jordan had a refunding opportunity on the outstanding General Obligation Bonds. If interest rates remain at current levels, the City would be able to take advantage of the refunding opportunity by refunding the Series 2006 Bonds thereby realizing net present value of \$539,297.00 or 7.51% of refunded principal. He reviewed the proposed timing of refunding.

The Council was in agreement to proceed with a Parameters Resolution on December 4 beginning the process.

DISCUSSION AND POSSIBLE ACTION REGARDING THE GRAFFITI, WEED ABATEMENT, AND CODE ENFORCEMENT POLICY

Wendell Rigby reviewed the public services work order process. There were two crews consisting of two full-time employees and eight seasonal employees. The Weed Abatement Crew maintains parcels of land which range in size from park strips that are 3-feet by 10-feet, to one parcel that is approximately 53 acres. In March 2012, the crew had a list of 226 properties to maintain – that has increased to approximately 273 today. Staff would be working with GIS to obtain an accurate quantity of acreage during the ‘off season.’ Staff estimated over 530 acres of maintenance to this point. There are three basic functions that need to be performed when the crew arrives at a parcel:

- Remove debris
- Mow and/or ‘weed eat’
- Spray herbicide

Staff works off of a plan and they also respond to complaints or work orders. It requires nearly two months to complete the numerous parcels identified to date. The majority of the time staff was contacted for a weed issue the ‘call-outs’ were associated with private landowner problems, or problems dealing with part strip contractors. Private property issues are coordinated with Code Enforcement. Staff works on an iPad application for tracking and reporting results. He reviewed the weed abatement staff hours for the months of July through October 2013.

The Council and staff discussed the issues related to the City’s weed abatement program.

The Council agreed to schedule a discussion regarding the policy and budget of the Weed Abatement Program during the Strategic Planning meeting in January 2014, specifically the budget portion of the issue.

GRAFFITI

Wendell Rigby stated that City employees have averaged about 42 ‘tags’ a month during this fiscal year. This was a joint effort of communication with Police, and Code

Enforcement. He reviewed the graffiti reporting and abatement process. The Trans-Jordan Landfill contains a reuse shed that was open to the public, Monday through Saturday 7:00 am to 5:00 pm. The reuse shed contains all types of paint, household chemicals, as well as lawn and garden chemicals that were still useable and available free to the public. He reviewed the total number of graffiti incidents through the months of July to October 2013, public versus private graffiti incidents, and the City's graffiti expenditure for the current fiscal year.

The Council was in agreement to continue with the 48-hour enforcement notification, and therefore amend the Municipal Code to comply. They also agreed to have the City continue with the removal of graffiti on private property without a waiver from the property owner.

CODE ENFORCEMENT

Brock Hudson stated over the past year (November 2012 to November 2013) the City received 1,551 complaints, and had resolved 1,336 cases. The most common ordinance violations were:

- Tree canopy
- Weed control
- Trailer/motor home parking
- Vehicle parking
- Inoperable vehicles
- Debris removal
- Business rental licensing
- Signs

He reviewed specific Code requirements that the Code Enforcement Officers follow, along with the advantages of implementing the Code.

He reviewed the Administrative Notice Process, when a 14-day Notice of Violation is not practical:

- **Clear Vision Areas (Public Safety)** – These violations refer to hazards that can be directly linked to the public safety of West Jordan residence when using public right of ways (street ways, sidewalks, park strips). [Example: ability to observe oncoming traffic, visibility of pedestrians using sidewalks or crossing streets, ability to see vital government signage (stop signs, speed limit, school crossing, etc.) due to vegetation or other materials/illegally placed signs.]
- **Storage of Materials in Public Right of Way (Public Safety)** – These violations refer to the improper storage of materials such as gravel, mulch, dirt, etc. being stored in streets (neighborhood or arterial street) that can be hazardous to public safety. These violations require a quicker correction time to minimize potential damages and safety problems, which a mailed 14-day notice couldn't provide. [Example: delivered gravel placed in the

street in front of the property can result in vehicles having to maneuver onto the wrong side of the road to gain access around the materials. In addition material could become projectiles when driven over by vehicles leaving vehicles, private property, or individuals to be affected. Materials placed in street can also flow into city storm drains causing contamination/obstruction of the storm drains function.]

- **Nuisances (Noise)** – These violations refer to noise disturbances & airborne dust, which violates the Salt Lake Health Departments noise & clean air regulations. These violations can be better addressed at the time of the violations, instead of utilizing a mailed 14-day notice. [Example: construction sight beginning excavation/machinery work prior to the allowed 7:00 a.m. noise disturbance regulations.]
- **Snow Removal (Sidewalks)** – These violations refer to public right of ways in front of private property, where a property owner has failed to maintain snow/ice removal per city ordinance and thus leaves no access for pedestrians to use public right of way. In the interest of public safety these violations are better to be resolved in a shorter timeline than the mailed 14 day notice (conditions can continue for another 13 days or until snow melts) to minimize public safety risks. [Example: Children walking to and from school are unable to walk through accumulated snow on sidewalk and as a result walk into street with vehicle traffic.]
- **Parking (Public Safety)** – These violations refer to trailers & RV's parked in driveways that hang over into on public right of way impedes the use of the sidewalks. In the interest of public safety these violations are better to be resolved in a shorter timeline than the mailed 14-day notice to minimize public safety risks. [Example: Children walking to and from school are unable to walk on sidewalk because of improper parking and as a result walk into street with vehicle traffic.]
- **Garage Sales** – These violations refer to residence who exceed the allowed limit of two garage sales per year or residence who post signs for garage sales on government structures (electric poles, traffic light poles, traffic signs, etc.) which can cause damage to above mentioned structures. For the purpose of correcting these violations it would be more effective to cease the violating event while it is occurring, instead of issuing a mailed 14-day notice that will arrive after garage sale has ended and all signs removed/no longer posted on government property.
- **Several Animal Control Violations:** Alleviates the need to pursue charges through criminal court and motivates owner to remain compliant.
 - 6-3B-1: Dog & Cat Licensing (48 hours)
 - 6-3D-2: Animal at Large
 - 6-3D-8: Nuisance of Animal
 - 6-3D-10: Cruelty to Animals (water and shelter not provided)
 - 6-3E-4: Fowl Keeping Permit (48 hours)

He reviewed the Administrative remedies:

- 14-days – Utilized on the majority of code violations as currently in the administrative section of the Code.
- 48-hour Notice – Utilized on graffiti notices as well as other cases involving Code violations requiring less time than the 14-days but are not a health and public safety issues.
- Administrative Notices – Utilized on Health and Public Safety violations that require immediate abatement.

The Council requested information in the future regarding how many properties were in default.

The Council agreed to create a list of priorities based on importance, rather than if a Council member contacts an employee. If the request was based on an emergency, or public safety issue, then that would take to priority.

The Council and staff discussed the following issues:

- Staff proposed allowing property owners to cut weeds to the 12-inch requirement with a 30-foot firebreak, rather than the entire property.
- Snow removal – Could the City meet the standard that would be placed upon the citizens.
- Clear Vision – Immediate remedy
- Storage of materials in public right of way – 48-hours
- Noise – Immediate remedy
- Remove Snow removal – Remove requirement
- Parking – 14-day notice if not impeding the right-of-way, and 48-hour notice if over hanging in right-of-way
- Garage Sales – Increase number allowed making it more flexible (five per year)
- Animal Control – Include changes proposed (rather than 48-hours change to 2-business days)
- Abatement - The Council agreed with the proposal, with anything over \$5,000 including staff time

Access to 5600 West

Jeff Robinson stated that there are property owners that were adjacent to 5600 West, with some of them having direct access onto 5600 West. Staff felt that the vehicular access should not be allowed, and requested approval from the Council to send letters to the property owners informing them of the City's direction.

The Council was in agreement to not allow the vehicular access onto 5600 West, and have the letters sent to the property owners.

CONSENT ITEM 6F

APPROVE NONFINANCIAL SUPPORT TO UYSAA IN THE AMOUNT OF \$26,230 FOR SOCCER FIELDS USE (2014 STATE CUP AND PREMIER LEAGUE PLAY) EXTENDING THE SEASONAL PLAY UNTIL OCTOBER 24, 2014

Bryce Haderlie said pursuant to City Code Section 3-4-1 the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with Section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval. He reviewed the fiscal impact for Fiscal Year 2014: City's nonmonetary contribution \$26,230, and dollar amount to be paid to the City \$25,890. The West Jordan Youth Sports complex was scheduled to close October 5, 2014. UYSA was requesting league play through October 11 and then the Fall State Cup from October 16 through October 24. Staff was concerned about having play on the fields that late into October. Weather in Utah was unpredictable and we typically get snow on the valley floor during October which prevents replacing goalmouths and other damaged turf areas with new sod. Colder temperatures eliminate the availability of sod. Even if sod was available, the cold temperatures would not allow for it to establish before Spring and thus result in a substandard conditions.

The current Facility Use Policy states:

- 'Applications will be accepted by the Department from January 1 through February 28 for the season.
 - A. Open Hours. City Parks, and the City Parks Amenities are open for public enjoyment from Early Spring Opening through Late Fall Closing between 6:00 am and 10:00 pm daily, except as follows: (1) the soccer park is open from Late Spring Opening through Early Fall Closing

He stated UYSA had the following proposal to the City:

Sponsorship

- Hold a small free camp for West Jordan resident players during the Summer with some of the best coaches in the State.
- Create and execute a sponsorship program to help generate revenue for the complex.
- City of West Jordan logo would be included on all State Cup marketing materials.
- City of West Jordan logo would be included on all UYSA State Cup online platforms.

In-Lieu of Fees

- All trash and restroom duties during the two State Cup Tournaments.

The Council and staff discussed the policy, extension of time for the request, waiver of fees or contribution requires a public hearing, and look at amending the calendaring timeframe to an earlier date for the 2015 year.

The Council was in agreement to *not* deviate from the policy, and schedule a discussion in the future regarding the calendaring process.

VIII. REMARKS

There were no remarks.

IX. ADJOURN

MOTION: Councilmember Hansen moved to adjourn. The motion was seconded by Councilmember Stoker and passed 6-0 in favor.

The meeting adjourned at 7:37 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

MELISSA K. JOHNSON
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Approved this 18th day of December 2013

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, December 4, 2013

6:00 p.m.

**Council Chambers
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth, and Justin Stoker.

STAFF: Richard L. Davis, City Manager; Bryce Haderlie, Assistance City Manager; Jeff Robinson, City Attorney; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Ryan Bradshaw, Finance Manager/Controller; Marc McElreath, Fire Chief; Wendell Rigby, Public Works Director; Kyle Shepherd, Deputy Police Chief; Greg Mikolash, City Planner; Dave Zobell, City Treasurer, and Bill Baranowski, Traffic Engineer.

I. CALLED TO ORDER

Mayor Johnson called the meeting to order at 5:00 p.m.

II. CLOSED SESSION

**DISCUSS THE SALE, LEASE OR DISPOSAL OF REAL PROPERTY;
DISCUSS PENDING OR IMMINENT LITIGATION, AND DISCUSS
PERSONNEL ISSUES**

COUNCIL: Mayor Melissa K. Johnson and Council Members, Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth, and Justin Stoker.

STAFF: Richard L. Davis, City Manager; Jeff Robinson, City Attorney, Stuart Williams, Deputy City Attorney, Darien Alcorn, Deputy City Attorney, Tom Burdett, Development Director, and Dave Clemence, Real Property Agent.

MOTION: Councilmember Killpack to go into a Closed Session to discuss the sale, lease, or disposal of real property; discuss pending or imminent litigation, and discuss personnel issues. The motion was seconded by Councilmember Hansen.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

The Council went into the Closed Session to discuss the sale, lease, or disposal of real property; discuss pending or imminent litigation, and discuss personnel issues at 5:01 p.m., and recessed at 5:57 p.m.

The meeting reconvened at 6:06 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Conner Duckworth, Troop 1074.

IV. COMMUNICATIONS

CITY MANAGER COMMENTS/REPORTS STRATEGIC PLANNING RETREAT

Richard L. Davis informed the Council that the Strategic Planning Retreat would be held Thursday, January 16, and Friday, January 17, 2014, at the Mountain America Credit Union.

LEADERSHIP ACADEMY

Richard L. Davis said staff was in the process of launching the Leadership Academy for City Employees.

IN-HOUSE HEALTH CLINIC

Richard L. Davis informed the Council that staff was continuing the investigation of establishing an In-House Health Clinic in City Hall.

STAFF COMMENTS/REPORTS

Staff members from the various departments briefly commented on the following items:

Bryce Haderlie –

- Update on the ERP process, which was narrowed to one firm.

Tom Burdett –

- Listed for the Council approvals made by the Planning Commission during the December 3, 2013 Planning Commission meeting.

Marc McElreath –

- Architect was finishing the design work for the Fire Station/Police Substation. Fire personnel would be co-sharing Station 107 with the Unified Fire Authority.

CITY COUNCIL COMMENTS/REPORTS

ARTS COUNCIL EVENT SCHEDULE

Councilmember Stoker reminded those in attendance of the upcoming events scheduled for the Arts Council.

FILLING PLANNING COMMISSION VACANCIES

Mayor Johnson said that there were three positions open on the Planning Commission. She reported that three applications had been submitted.

Councilmember McConnehey requested information regarding the applicants.

Mayor Johnson reported that Arlene Farley would provide the requested information.

The Council was in agreement to appoint the three individuals who applied to serve on the Planning Commission.

V. CITIZEN COMMENTS

Alex Rendon, West Jordan resident, addressed a concern regarding the foul odor coming from the Dannon Yogurt Plant. The residents were concerned and wanted to know what they could do to remedy the problem.

Mayor Johnson reported that she had been made aware of this issue. The Public Works department was looking into this situation to see if it was an infrastructure issue. She indicated that this was still in the investigation stage.

She reported that the City would try to provide updated information to concern residents, when it becomes available.

There was no one else who desired to speak.

VI. CONSENT ITEMS

- 6.a Approve the minutes of November 13, 2013 as presented
- 6.b Approve Resolution 13-159, setting the 2014 Annual Meeting Schedule for the City Council, Planning and Zoning Commission and other City Boards and Committees

6.c Approve Resolution 13-160, authorizing the Mayor to execute a Contract with Absolute Constructors Inc., for construction of the Zone 6 Highway Junction 3 Million Gallon Reservoir Project, in an amount not to exceed \$3,380,000

6.d Approve and direct staff to forward the draft General Plan Vision Statement to the Planning Commission

MOTION: Councilmember Stoker moved to approve Consent Items 6.a through 6.d. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

VII. PUBLIC HEARINGS

RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL ORDINANCE 13-34, AMENDING THE 2009 WEST JORDAN MUNICIPAL CODE, TITLE 13, SECTION 13-5I-4, ALLOWING PAWN SHOP SERVICES AS A CONDITIONAL USE IN THE CITY CENTER CORE (CC-C) ZONING DISTRICT, KIMBALL INVESTMENT COMPANY/RYAN KIMBALL, APPLICANT

Tom Burdett reported that this text amendment involved the property located between the TRAX Station (Redwood Road) and 7800 South, Redwood Road east to 1530 West. Kimball Investment wanted to added pawnshops to the zoning text in the City Center Core.

He said the City Center zone was approved by the City Council in 2006. The City Center was a hybrid mixed-use zoning district intended to incorporate residential, commercial and office-type land uses all in an area of approximately 50-acres. Three zoning districts were associated with the City Center: The CC-F – City Center Frame zone, the CC-R – City Center Residential zone and the CC-C – City Center Core zone.

Kimball Investments was proposing revisions to Title 13 to allow pawnshops as a Conditional Use within the City Center-Core (CC-C) zone. Pawnshops were currently only allowed as a Conditional Use in the City Center-Frame (CC-F) and General

Commercial (C-G) zones - designated in the land use table(s) as *Bail Bonds and Pawnbrokers*. 13-5E-5 of the Zoning Ordinance stated the following relative to the use:

C. Standards For Check Cashing Credit Service, Pawnshop Or Bail Bond Uses:

- 1. No check cashing credit service, pawnshop or bail bond use shall be located within one thousand feet (1,000') from any other check cashing credit service, pawnshop or bail bond use. Distances shall be measured in a straight line, without regard to intervening structures or zoning districts, from the entry door of each business.*
- 2. A maximum of twelve (12) check cashing credit service businesses, three (3) pawnshop businesses, and six (6) bail bond service businesses shall be allowed in the city.*

Currently, there were three pawnshop businesses in West Jordan. The applicant had expressed no desire to change these requirements.

A real estate broker representing CVS Pharmacy was working on the potential redevelopment of the northeast corner of 7800 South and Redwood Road. With this redevelopment, several buildings in the area would be demolished and replaced with a new single-tenant structure and use. This occurrence would result in the removal and/or relocation of at least two uses - one of which was a pawnshop.

Cash America Pawnshop is located at 1660 West 7800 South located in a CC-F zone. Intending to conduct business in the same visible and high-traffic location, the applicant was proposing to move Cash America and the pawnshop use across the street to a parcel of land located at 1633 West 7800 South (China Station Restaurant - *vacated*). Assuming the real estate transaction proceeds forward, the old restaurant structure would eventually be demolished and a new multi-tenant building would be constructed in its place. Since the land to which Cash America would like to relocate was in the CC-C zone, a request for a text amendment to allow the use (as a Conditional Use) was being proposed.

Text Amendment Findings of Fact:

Section 13-7-D-7B, required that prior to making a positive recommendation to the City Council for a Zoning Ordinance text amendment, the Planning Commission shall make the following findings:

Criteria 1: *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

Discussion: The General Plan did not specifically mention pawnshops (or pawnbrokers). It does have a small section concerning the City Center district, but it applied mainly to site and building design and made no

mention of compatible uses. With that being said, the General Plan does have a section covering goals and standards for the Transit Station Overlay District (TSOD) in which the City Center–Core zone was located. The following were examples of goals and policies in the General Plan relating to uses in the TSOD zones:

1. *Encourage a variety of commercial and retail uses that share the same clientele and patrons. For example, movie theaters provide a clientele who also patronize restaurants, arcades, and retail businesses (page 42).*
2. *Expand economic development opportunities around major transit stations ...*

Although the proposed amendment modified the current Zoning Ordinance, it remained consistent with the goals and policies of the General Plan. As a note, the Zoning Ordinance, Section 13-5I, stated the following with respect to the City Center:

The city center zone is intended to set apart that portion of the city which forms the center of commercial, professional, residential, office, municipal and cultural uses by encouraging a balanced, though concentrated, mix of these uses in a central area of the city. The city center zone should provide a safe, attractive, pedestrian friendly environment that will serve as a destination area that will attract people for a unique shopping, cultural, recreational, professional service and living experience.

Finding: The proposed amendment conformed to the General Plan and was consistent with the adopted goals, objectives and policies described therein. When the site plan was submitted for the relocated site, care would be given to achieve a design compatible with the contemplated redevelopment of the new site.

Criteria 2: *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

Discussion: There was sufficient justification for a modification to the Zoning Ordinance. The proposed amendment supported creating a more even distribution of pawnshops across the City so that the specific use was not concentrated in a single area.

As a matter of reference, the City Center-Core was encompassed by two arterial roads to the west and north, namely Redwood Road and 7800 South respectively. Though located in a TSOD, the existing traffic and

vehicular circumstances along both 7800 South and Redwood Road support such uses as pawnshops, as the traffic volume was very high and both corridors already support auto-oriented types of uses.

Finding: The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title.

Criteria 3: *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

Discussion: As previously discussed, the General Plan does not specifically mention pawnshops, nor does it specify use standards for the City Center zones. The proposed amendment would only expand the allowable zones for bail bonds and pawnshops, but will not alter the maximum number of these businesses within the City of West Jordan. Staff anticipated no immediate conflict being created due to this proposal; however, as a clean-up item to the Code, Planning staff would be proposing a text amendment to separate the *Bail bonds & Pawnbrokers* from the same land use category, as the uses are not the same in nature or use. Please note also that Cash America does not issue bail bonds.

Finding: The proposed amendment would not create a conflict with any other section or part of this title or the General Plan.

Criteria 4: *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

Discussion: Staff had found that the three pawnshops within West Jordan were all located at major intersections along Redwood Road, which showed that the distancing requirement should not be an issue in C-G and CC-F zones, nor at the proposed location if this text amendment passed.

Regarding benefit and privileges to a specific property owner, the allowance for the use in the zone may only *initially* benefit the applicant and CVS by default. This was because the maximum number of allowable pawnshops had been reached and would not change; where also, future pawnshops could benefit from this amendment, but only if one of the current pawn shops were to relocate outside of West Jordan or go out of business. In this case, future pawnshops would be able to locate within the CC-C zone so long as the separation requirement could be met.

Section 13-32a-114-2c of the Utah State Code stated that municipalities had the authority to regulate the locations of pawnshops. Staff saw no reason to change the City's current regulation and public policies concerning pawnshops due to the fact that the number of pawnshops (or their locations) within the City limits had not changed since February of 1999.

Finding: The proposed amendment would constitute a change in public policy, but only in as much as the amendment constitutes a potential economic development benefit. Since there was potential for any entity to request the use in the CC-C zone (given another pawnshop was relocated or ceased business) Planning staff did not believe that any special privileges were being conveyed, nor was relief of a hardship being granted.

Tom Burdett said that the proposed Text Amendment did not conflict with the West Jordan General Plan or the Zoning Ordinance. Such a change in the ordinance could be an economic development benefit to the City and not a hindrance since the regulations that cap such uses would not be changing.

Staff recommended that the City Council amend the West Jordan Municipal Code Section 13-5I-4 to conditionally allow "bail-bonds and pawnbrokers" in the City Center-Core (CC-C) zoning district.

The Planning Commission voted 6-0 in favor of supporting staff's recommendation for the proposed text amendment.

The Council and staff discussed clarifying questions.

Ryan Kimball, Kimball Investment Company, requested the Council approve the amendment. He provided a brief overview of the proposed project. He reported that they were working on their site plan, which was still very conceptual.

Mayor Johnson opened the public hearing.

Jeff Haaga, West Jordan resident, stated his opposition. He felt the City needed a gateway to the City with economic development, which he believed was 7800 South. He said an area had been preserved for a City Center in a Redevelopment Area.

There was no one else who desired to speak. Mayor Johnson closed the public hearing.

MOTION: Councilmember Southworth moved to approve Ordinance 13-34, amending the West Jordan Municipal Code Section 13-51-4 to conditionally allow 'bail-bonds and pawnbrokers' in the City Center-Core (CC-C) zoning district. The motion was seconded by Councilmember Nichols.

Councilmember Hansen wanted to see the text amendment change to separate the 'Bail bonds' from 'Bail bonds & Pawnbrokers' as soon as possible.

Councilmember McConnehey felt with the design standards set in place and the conditional permitting process concerns could be addressed. He believed with the approval of this text amendment the City would have a greater say in the end product.

Councilmember Stoker spoke against the motion. He felt that although the current applicant was great, with this change being citywide it could open up the City to less desirable businesses in the future.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	No
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	No
Mayor Johnson	Yes

The motion passed 5-2.

VIII. BUSINESS ITEMS

CONSIDERATION FOR ADOPTION OF RESOLUTION 13-161, OF THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$7,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS; SERIES 2014, AND RELATED MATTERS

Ryan Bradshaw said the parameters resolution, prepared by Ballard Spahr LLP, authorizing the issuance and sale of up to \$7,500,000.00 of general obligation bonds needed to be passed so that we can begin the bond process. These bonds were being issued so that the City can refund the existing general obligation bonds. The City Council along with staff, discussed the possibility of issuing bonds to reduce the interest rate and lower the costs of the bonds.

He said it was time to pass the parameters resolution for the bonds. The parameters resolution needed to be passed so that we can begin the process to issue General

Obligation Bonds. Over the next several weeks, the City along with our Bond Counsel (Ballard Spahr LLP) and Financial Advisor (George K Baum & Company), would be working to get all of the required paperwork complete, notices sent to the paper, and seek bids for a private placement investor. The City Council would not need to hold a public hearing with respect to the issuance of the Series 2014 Bonds.

The fiscal impact would be that the City would sell approximately \$7,500,000 worth of general obligation bonds. The bonds would be paid back with proceeds from property taxes over the next 12 years.

MOTION: Councilmember Stoker moved that we approve Resolution 13-161, authorizing the issuance and sale of not more than \$7,500,000 aggregate principal amount of general obligation bonds, Series 2014; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. The motion was seconded by Councilmember Killpack.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

DISCUSSION AND REGARDING RESOLUTION 13-162, APPOINTING MAYOR PRO TEMPORE FOR 2014

Mayor Johnson said Section 1-7B-3 of the City of West Jordan Municipal Code authorized the City Council to appoint a Mayor Pro Tempore. It was up to the Council to determine who would serve in this position for the 2014 Calendar year. This decision must be made in a public meeting. A resolution had been prepared for Council approval. For the Council's reference, listed below were the Council Members names and the years they were appointed to serve as Mayor Pro Tempore:

- 2007— Councilmember Melissa Johnson
- 2008— Councilmember Kathy Hilton
- 2009— Councilmember Kim Rolfe
- 2010— Councilmember Ben Southworth

- 2011 —Councilmember Jim Lems
- 2012— Councilmember Chad Nichols
- 2013 —Councilmember Clive Killpack

MOTION: Mayor Johnson moved to nominate Councilmember Stoker as Mayor Pro-tem for 2014. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.

Councilmember Killpack opposed replacing the current Mayor Pro-tem before the newly elected officials took office.

SUBSTITUTE

MOTION: Councilmember Killpack moved to table this issue until the first meeting in January.

The substitute motion died for lack of a second.

MOTION: Councilmember Southworth moved to close the nominations. The motion was seconded by Councilmember Hansen and passed 7-0 in favor.

Councilmember Stoker indicated he would accept the nomination.

MOTION: Mayor Johnson moved to approve Resolution 13-162, appointing Council Member Justin Stoker as Mayor Pro Tempore for 2014. The motion was seconded by Councilmember Nichols.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	No
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 6-1.

MOTION: Councilmember Killpack moved that City staff change the Municipal Code regarding the appointment of the Mayor Pro Tempore.

The motion died for the lack of a second.

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 13-163, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PETERSON DEVELOPMENT, LLC, FOR THE PURCHASE AND SALE OF PROPERTY FOR THE 5600 WEST DETENTION BASIN WITH PETERSON

Bryce Haderlie said as the City of West Jordan (the City) moved forward with the construction of 5600 West from 7000 South to 7800 South (Phase 2), the City intended to construct a 30 acre-foot regional detention basin at approximately 5600 West and Dry Wash (the Detention Basin). As part of the Detention Basin project, the City intended to purchase 4.81 acres of real property that was currently owned by Peterson Development or an affiliate company.

According to a storm drain study performed by Bowen and Collins in September 2013, approximately 190.2 acres of undeveloped property (Qualified Property) may potentially benefit from direct discharge into the Detention Basin.

The City had determined that 9.1 acre-feet of storage may be moved and handled from the Detention Basin to other locations along Dry Wash, thus providing the opportunity for the City to sell the subject storage within the Detention Basin to owners of Qualified Property.

The City was willing to sell the storage capacity for payment based on the actual cost of the Detention Basin construction, including real property acquisition and construction costs, which payment could be in the form of cash or transfer of real property of equivalent value.

Since Peterson Development owned approximately 107.4 acres of the Qualified Property and desired to purchase storage capacity immediately and through future purchases by either cash payment or transfer of real property to the City it was anticipated that Peterson Development, and other owners of Qualified Property, may purchase additional capacity within the Detention Basin over a period of five years, with the payment of principal plus 2.2% annual interest compounded monthly.

The fiscal impact to the City would be \$177,523.00. \$1,000,000 would be an interfund loan, and \$177,523 would be credited toward future use of the detention basin.

Staff recommended that the City Council approve the agreement as prepared.

MOTION: Councilmember Southworth moved to approve Resolution 13-163, authorizing and directing the Mayor to execute the Purchase Agreement between the City of West Jordan and Peterson Development, LLC and their respective parties, subject to the final approval of staff, and authorizing the City's Real Estate Services Manager to sign all documents reasonably necessary to close the transaction through a title company acceptable to both parties; and

that staff would not record the plat until the fees are paid. The motion was seconded by Councilmember Stoker.

A roll call vote was taken

Councilmember Hansen	Yes
Councilmember Killpack	Yes
Councilmember McConnehey	Yes
Councilmember Nichols	Yes
Councilmember Southworth	Yes
Councilmember Stoker	Yes
Mayor Johnson	Yes

The motion passed 7-0.

**DISCUSSION AND POSSIBLE ACTION REGARDING CITY
SPONSORED ANTI TEXTING EDUCATION AND ENFORCEMENT
PROGRAM**

Wendell Rigby said previously staff was directed to bring back a presentation with options for the Council to consider regarding and Anti-texting Education and Enforcement Program.

He turned the time over to Bill Baranowski.

Bill Baranowski said despite a continuing debate as to the potential dangers of driving and talking on a cell phone, the dangers of texting while driving were perfectly clear. If you text and drive, someone might die. Laws and education of the laws and of the dangers of texting while driving are everyone's responsibility. The efforts to end texting while driving should not cease until drivers take their hands and eyes off their phones and direct their attention back onto the roadways.

There had been at least two known traffic fatalities in the City of West Jordan over the past two years where texting on cell phones contributed to the crash. A driver fatality occurred on New Bingham Highway east of Copper Hills High School. The texting driver turned left in front of a truck. A pedestrian fatality occurred at the rail crossing located on 3200 West south of Joel P. Jensen Middle School.

The Council had asked staff to develop an anti-texting educational program to discourage texting while driving.

The following was from the CDC (Centers for Disease Control)

'Each day in the United States, more than 9 people are killed and more than 1,060 people are injured in crashes that reportedly involve a distracted driver. Distracted driving is

driving while doing another activity that takes your attention away from driving. Distracted driving can increase the chance of a motor vehicle crash.'

There were three main types of distraction:

1. **Visual:** taking your eyes off the road
2. **Manual:** taking your hands off the wheel
3. **Cognitive:** taking your mind off of driving.

Distracted driving activities included things like using a cell phone, texting, and eating. Using in-vehicle technologies (such as navigation systems) can also be sources of distraction. While any of these distractions can endanger the driver and others, texting while driving was especially dangerous because it combined all three types of distraction.

How big is the problem?

- In 2011, 3,331 people were killed in crashes involving a distracted driver, compared to 3,267 in 2010. An additional 387,000 people were injured in motor vehicle crashes involving a distracted driver in 2011, compared to 416,000 people injured in 2010.
- In 2010, nearly one in five crashes (18%) in which someone was injured involved distracted driving.
- In June 2011, more than 196 billion text messages were sent or received in the US, up nearly 50% from June 2009.

CDC Distracted Driving Study

A CDC study analyzed 2011 data on distracted driving, including talking on a cell phone or reading or sending texts or emails behind the wheel. The researchers compared the prevalence of talking on a cell phone or texting or emailing while driving in the United States and seven European countries: Belgium, France, Germany, the Netherlands, Portugal, Spain, and the United Kingdom. Key findings included the following:

Talking on a cell phone while driving

- 69% of drivers in the United States ages 18-64 reported that they had talked on their cell phone while driving within the 30 days before they were surveyed.
- In Europe, this percentage ranged from 21% in the United Kingdom to 59% in Portugal.

Texting or emailing while driving

- 31% of U.S. drivers ages 18-64 reported that they had read or sent text messages or email messages while driving at least once within the 30 days before they were surveyed.
- In Europe, this percentage ranged from 15% in Spain to 31% in Portugal.

What are the risk factors?

- Some activities – such as texting – take the driver’s attention away from driving more frequently and for longer periods than other distractions.
- Younger, inexperienced drivers under the age of 20 may be at increased risk and have the highest proportion of distraction-related fatal crashes.
- Texting while driving was linked with drinking and driving or riding with someone who had been drinking among high school students in the United States, according to a CDC study that analyzed self-report data from the 2011 national Youth Risk Behavior Survey. Students who reported engaging in risky driving behaviors said that they did so at least once in the 30 days prior to the survey.

Key findings from the study revealed that:

- Nearly half of all U.S. high school students’ aged 16 years or older text or email while driving.
- Students who text while driving were nearly twice as likely to ride with a driver who had been drinking and five times as likely to drink and drive than students who don’t text while driving.
- Students who frequently text while driving were more likely to ride with a drinking driver or drink and drive than students who text while driving less frequently.

What is being done?

- Many states were enacting laws – such as banning texting while driving, or using graduated driver licensing systems for teen drivers – to help raise awareness about the dangers of distracted driving and to keep it from occurring. However, the effectiveness of cell phone and texting laws on decreasing distracted driving-related crashes required further study.
- On October 27, 2010, the Federal Motor Carrier Safety Administration enacted a ban that prohibited commercial vehicle drivers from texting while driving.
- On September 30, 2009, President Obama issued an executive order prohibiting federal employees from texting while driving on government business or with government equipment.

Teenagers as Drivers and Texters

The average texting American teenager now sends and receives more than 3,000 text messages each month. While adult drivers may encounter little danger once they dial a phone number, the same was not true for less experienced teenage drivers. As the Virginia Tech Transportation Institute (VTTI) study noted, teens tend to engage in cell phone tasks much more frequently and in much more risky situations, than adults, making them four times more likely to get into a related crash or near crash event than their adult counterparts. With so many teens equipped with cell phones, there is great

reason to be alarmed. In 2009, one in three texting teens reported having texted while driving. Put differently, 26 percent of all American teens ages 16–17, the driving population, have texted from behind the wheel.

Studies

Studies consistently reveal that the risk of an accident significantly increases when the cell phone user is texting while driving. In July 2009, the Virginia Tech Transportation Institute (VTTI) released a study which indicated that texting posed the highest risk of all cell phone related tasks while driving. Similarly, research from the Federal Motor Carrier Safety Administration showed that text messaging also resulted in drivers keeping their eyes off of the road for the longest duration: 4.6 seconds over a 6-second interval, compared to 2.6 seconds for the distraction of adjusting the radio. At 55 miles per hour, the former distraction equated to traveling nearly the length of a football field without once looking at the road.

Other cell phone driving statistics (from *Nationwide Insurance*)

- Distraction from cell phone use while driving (hand held or hands free) extended a driver's reaction as much as having a blood alcohol concentration at the legal limit of **.08 percent**. (University of Utah)
- The **No.1** source of driver inattention was use of a wireless device. (Virginia Tech/NHTSA)
- Drivers that use cell phones were **four times** as likely to get into crashes serious enough to injure themselves. (NHTSA, Insurance Institute for Highway Safety)
- **10 percent** of drivers aged 16 to 24 years old were on their phone at any one time.
- Driving while distracted was a factor in **25 percent** of police reported crashes.
- Driving while using a cell phone reduced the amount of brain activity associated with driving by **37 percent** (Carnegie Mellon)

Utah's Recent Anti-texting Law USC 41-6a-1716 (May 2013) and other Legislation (from the *Journal of Law & Policy*)

"Many states are enacting laws – such as banning texting while driving. In Utah, curbing texting while driving will not be achieved by legislation alone, regardless of the strength of that legislation. The federal government, state governments, law enforcement agencies, cell phone manufacturers, wireless carriers, insurance carriers, corporations, other industry and public interest groups, and, most importantly, individual drivers must collectively engage in a comprehensive effort to raise awareness of this problem. Each must do their part to effectuate a multi-dimensional campaign to prohibit, educate, enforce, and reinforce the dangers of texting while driving.

In most states, if a driver is texting and causes a crash injuring or killing someone, the penalty may be as light as a fine. That is, the state may treat the crash like most other accidents. Thus, in the majority of jurisdictions, if a prosecutor wants to hold a texting

driver who causes serious bodily harm or a fatality criminally liable, she must prove some sort of mens rea on the part of the driver, such as the driver knew of the risks of texting while driving before sending the text message. In other states, however, the law may provide more serious sanctions for a texting driver who injures or kills someone. Utah has adopted the latter approach, with the state no longer classifying a multitasking motorist's crash as an accident, when such a crash results in a fatality. In contrast to most states, the law in Utah presumes a texting driver understands the risk her actions pose, and Utah considers the texting driver's actions criminally negligent. Criminally negligent vehicular homicide is classified as a second-degree felony in Utah and carries a potential sentence of up to 15 years. Only Alaska has a tougher law — up to 4 years in prison if a texting motorist injures someone and up to 20 years if someone is killed.

Legislation Alone is Insufficient

Concerns frequently raised in evaluating proposed texting while driving legislation echo concerns frequently raised in evaluating the efficacy of most legislation — whether the proposed law will serve its stated purpose, whether it is over- or under-inclusive, and whether it is truly necessary. Laws, in isolation, could prove insufficient. Not only do many drivers believe that others are the problem, there are serious enforcement issues undermining texting while driving laws. Because most drivers text with the phone in their laps, or at least below eye level, the prohibited conduct is difficult for law enforcement officers to detect. For policing purposes, a driver could be texting just as likely as she could be dialing or looking up a number. In many states, one, but not the other, type of conduct is illegal.

The relatively low number of tickets issued to texting drivers supports the argument that texting bans, in isolation, are near impossible to enforce. For example, California banned text messaging for all drivers in January 2009, but issued just 1,000 tickets to motorists for texting while driving in the first year of implementation. As of the early 21st century, California had 22 million licensed drivers. In California, like many states, texting while driving is an infraction. As such, it does not merit a point on the driver's Department of Motor Vehicles record, and the fine for the first offense is \$20. Not surprisingly, lax penalties equate to low deterrence. In what may be a harbinger of changing attitudes, the United States Department of Transportation announced in early 2010 new federal guidelines that subject commercial truck and bus drivers who engage in text messaging while driving to penalties of up to \$2,750.⁹³

Even in states employing more than nominal deterrent mechanisms for drivers who text, a secondary enforcement scheme is equivalent to no enforcement. When a law permits secondary enforcement, law enforcement officers are powerless to ticket a driver they see texting in the absence of some other offense that confers primary enforcement. De minimis repercussions and impotent enforcement schemes effectively undermine efforts to police this dangerous conduct. There is little case law on the legality of legislation prohibiting cell phone use while driving, suggesting it is entirely within the government's power to enact such legislation in furtherance of the general welfare. Moreover, courts that have entertained challenges to cell phone legislation have largely upheld the laws.

Legislation alone will not deter motorists from texting while driving, but legislation is necessary even if insufficient. Concerns regarding texting while driving legislation are analogous to concerns previously raised in the context of seat belt legislation. While politicians and safety coalitions initially debated the efficacy of mandatory seat belt laws, the true value of those laws lay in the awareness they generated about safety benefits, which then set societal guidelines for seat belt behavior. Comparing the efficacy of Illinois's texting law to seat belt laws, Dave Druker, spokesman for Illinois Secretary of State Jesse White, said that while the texting law might not result in more tickets being issued, it increases awareness of the dangers of the prohibited activity.

The success of any anti-texting campaign must be outcome oriented. That is, if drivers were to refrain from texting while driving, then in theory there would be no citations to issue and it would seem that the problem were resolved. Yet, because texting while driving is difficult to police, few issued citations do not equate to a dearth of texting motorists. Thus, until there are no more texting-related collisions, anti-texting campaigns must continue. Public interest groups are integral to raising awareness, petitioning legislators, and funding safety campaigns regarding texting while driving. According to the Governors Highway Safety Association (GHSA) Chairman Vernon F. Betkey, Jr., the GHSA advocates a broad strategy to deter distracted driving. Betkey has said, new laws should not be an ending point, but rather a beginning. Effective enforcement strategies need to be developed and shared. We must also educate the public about how to best minimize and manage distractions behind the wheel. While other advocacy groups lobby for anti-texting legislation, the mission of FocusDriven is to bring together family members of distracted driving victims and increase awareness of this issue, much like Mothers Against Drunk Driving (MADD) did in the 1980s with drunk driving. Raising awareness of texting while driving is fundamental to eliminating the practice.

Legislatures should encourage, and advocacy groups should lobby, cell phone manufacturers and wireless carriers to develop technological solutions that automatically switch off the texting feature when a user is at the wheel. For example, the wireless service provider AT&T has its Smart Limits option which allows the user to establish the times of day that the phone can be used for web browsing, texting, and outbound calls. Thus, if a parent knows her child drives to and from school between the hours of seven and eight in the morning and three and four in the afternoon, the parent may turn off the texting and emailing features during those times. Even more sophisticated than the Smart Limits option is PhoneGuard's Drive Safe software. This mobile application disables the texting, emailing, and keyboard functions of a cell phone while in a vehicle moving faster than 10 miles per hour. The application utilizes GPS to track speeds and coordinates to turn off the aforementioned functionalities of the phone. Unfortunately, the downloadable Drive Safe application is currently only available for Android phones and Apple's iPhone, and it would turn off not only the driver's texting features, but all other passengers' features as well, assuming they also have the Drive Safe software. In addition, Drive Safe is an elective feature and, in the context of texting while driving, where texting drivers assume other drivers pose the real safety risk, this technology may

not actually prevent life-threatening collisions. That is, drivers may not download the software simply because they believe, however erroneously, that they are capable of texting while behind the wheel.

Until cell phone manufacturers and wireless providers develop fool- and tamper-proof technologies that thwart texting drivers, they should continue to educate their customers on the dangers of texting while driving. Verizon Wireless, the nation's largest wireless service provider, is leading the way with its "Don't Text and Drive" advertising campaign, which launched in October 2009. The campaign features billboard, radio, and television advertisements that appeal to drivers' emotions. The campaign pitch is that every driver has someone in her life who would really like to see you get home safely. Allstate, the insurance carrier, also has a nationwide campaign, "X the TXT," featuring the Jonas Brothers and American Idol winner Jordin Sparks. While the source of the message is less important than the message itself, responsible corporations will be part of the solution to curbing texting while driving. For example, automobile insurers could also provide incentives to drivers who pledge not to text and drive or who have a history clear of texting and driving related incidents.

However, it is not enough that officers enforce laws banning texting while driving or that the public be educated about the proven dangers of texting while driving. According to Chuck Hurley, Executive Director of MADD, education alone is a proven failure. Education and enforcement are a success. In a familiar theme, Hurley cites the seat belt campaigns as an example for anti-texting advocacy groups: the "Buckle Up for Safety" campaign was well received, but only 13 percent of drivers complied. In contrast, Anne McCartt credits the success of the national seat belt enforcement campaign, "Click It or Ticket," to publicity of the enforcement of seat belt laws. There must be greater publicity of enforcement of texting laws specifically so that the driving public is aware laws will be enforced and that they will be held accountable.

The public and private sectors should collaborate in advertising laws and the dangers of texting while driving, particularly to the most vulnerable group – teenage drivers. However, many youth risk prevention specialists question the effectiveness of videos using shock value to change teenage behavior. Thus, a more successful approach might be to involve teenagers directly in creating an educational campaign targeting teenagers. For example, any public service announcement should include positive messages by teenagers for teenagers, encouraging them to look out for themselves and the people they care about by not texting while driving. Furthermore, according to Patti Agatston of the Prevention/Intervention Center, it is helpful for youth to receive consistent and repeated messages from a variety of sources, including their peers and parents or guardians.

The private sector, particularly employers and parents, is the cornerstone of any workable solution. In the absence of legislation governing texting while driving, employers should ban employees from emailing and texting while driving for business purposes. For their part, parents should utilize the Smart Limits option or download the Drive Safe anti-texting while driving software application, or an analogous feature, to limit the text

messaging abilities of their teenage drivers. Parents should also make clear to their children that they will not tolerate texting while driving. Finally, parents should set a good example by not texting behind the wheel. To both set an example and facilitate a dialogue between parents and children on texting while driving, Allstate offers the Allstate Family Texting Pledge on its website. A family may print and sign the pledge, thereby promising one another not to text and drive. This symbolic act may help to reinforce the importance of refraining from texting while driving to the entire family.

Despite a continuing debate as to the potential dangers of driving and talking on a cell phone, the dangers of texting while driving are perfectly clear. If you text and drive, someone might die. Laws and education of the laws and of the dangers of texting while driving are everyone's responsibility. The efforts to end texting while driving should not cease until drivers take their hands and eyes off their phones and direct their attention back onto the roadways."

Staff Recommendations:

- A. **Signs:** Install 100 'NO TEXTING' signs at strategic locations around the City. These include but were not limited to the following:

1. On sidewalks near rail crossings (9 of them with sidewalks)
2. UTA TRAX Station Park and Ride Lots (5 of them)
3. West Jordan City Hall
4. West Jordan Justice Center
5. State Courts Parking Lot
6. West Jordan Public Works Parking Lot
7. West Jordan Library Parking Lots
8. Middle School Parking Lots
9. High School Parking Lots
10. Salt Lake Community College Campus Parking Lots
11. Jordan Valley Hospital Parking Lots
12. Jordan Landing Parking Lots
13. Gardner Village Parking Lots
14. Near Major Intersections
15. ETC.

- B. **Police Enforcement:** The Utah Traffic Code currently prohibits texting while driving. There were a few exceptions built into the code; however, officers can and would enforce the no texting law. The law was somewhat difficult to enforce because officers have to witness them texting. We would continue to increase enforcement of the no texting laws as we reasonably can.

- C. **Public Information:** As part of a public information campaign, develop a graphic to accompany the anti-texting message that can be posted on the city website, used on our social media sites, and on the city pages in the West Jordan Journal. This graphic could also be adapted for signage. Partner with the Jordan School

District to support their anti-texting efforts. One idea was to create short videos that could be used on YouTube and other social media. These videos could also be shown in a school assembly. Students could help write and produce these videos.

Estimated Cost for 100 signs and posts: \$8,000 Construction Estimated: 2014

The funding source for this educational project had not been determined. Possible funding was recommended to be reviewed for the Fiscal Year 2014/15 budget, depending on available funding.

Staff was seeking funding for the Fiscal Year 2014/2015 budget for the new anti-texting signs, posts and installation.

Kyle Shepherd said enforcement was difficult, but education and training would help.

Councilmember Nichols commented on the proposed locations which he agreed with, but felt the location of all City entrances should be included to the list. He felt this would inform all citizens enter the City that texting was not allowed in West Jordan.

MOTION: Councilmember Stoker moved to direct the Public Works and Police department staff to seek funding in Fiscal Year 2014/15 budget for the new anti-texting signs and posts and installation as outlined in the staff report. The motion was seconded by Councilmember Nichols and passed 7-0 in favor.

Mayor Johnson clarified this would be moving forward with the \$8,000 expenditure for the next fiscal year, and placing 100 signs as recommended by staff.

IX. REMARKS

There were no remarks.

X. ADJOURN

MOTION: Councilmember Southworth moved to adjourn. The motion was seconded by Councilmember Killpack and passed 7-0 in favor.

The meeting adjourned at 6:59 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

MELISSA K. JOHNSON
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Approved this 18th day of December 2013

DRAFT